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09/601,913	08/08/2000	Sergei Mikhailovich Safronov	V-177	5275
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			ART UNIT	PAPER NUMBER
			3716	
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			12/20/2012 ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/601,913

Applicant(s)

SAFRONOV ET AL.

Examiner

ALEX P. RADA

Art Unit

3716

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2012.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 21 and 23-31 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 21 and 23-31 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 4) ☐ Other: ____.

DETAILED ACTION

Response to Amendment

In response to the RCE filed 19 November 2012 were applicant submits arguments and claims 21 and 23-31 are pending in this application.

Drawings

1. The drawings were received on 8 December 2011. These drawings are not acceptable.
2. The elements of 3a, 3b, 6-9, 11-12, 59-64 in the new figure 1 is considered new matter because the new figure 1 contains element which are not supported in the specification and the original drawings as originally filed. Figure 10 is also considered new since there are only 2 figures as originally filed and **entry regarding any new drawing has not been entered**. Applicant is required to cancel the new mater in the reply to this Office Action. No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations recited within claim 31 must be shown or the feature(s) canceled from the claim(s). **No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed

from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The amendment filed 8 December 2011 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The new paragraph on page 7, regarding the description of figures 8, 9 and 10 are considered new matter and on page 20, after line 14, the added paragraph describing replacement figure 1 is also considered new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 21 and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

7. As noted in the previous office action, the specification does not disclose according to claim 21 the limitations of, "providing gamblers with options to make bets on forecasts of random numbers in form of time span" and "providing gamblers with random numbers generated on the basis of exact collisions". The specification discloses players making bets on at least one game field but does not explicitly disclose the specific option offered to the gamblers. The specification does not clearly disclose nor discuss how random numbers are generated on the basis of exact collisions. The specification fails to describe the gamblers with the different options of how wagers are placed and how random numbers are used in the form of time span?

8. The specification does not disclose according to claim 31 the limitations of, "a generating element of RNG, placed onboard the spacecraft and being an electronic unit which analyses signals from sensors of collisions simultaneously with indications of onboard clock and generates random numbers consisting of two parts: "timing" part corresponding to time of collision expressed in hours, minutes, seconds and parts of seconds and "identification" part corresponding to numeral value of identification marker attached to the gaming field affected by collision; an enciphering element of RNG, placed onboard the spacecraft and being an electronic unit transforming the obtained random numbers into enciphered signals for transmission from space to Earth". The specification does not describe nor discuss the limitations as noted above. The specification does not describe how the time of collision expressed in hours, minutes, second and parts of seconds as

an example. The examiner request application to point in the specification the particulars of the claimed limitation as noted above.

9. The specification does not disclose according to claim 31, the limitation regarding, “orbiting earth on orbit of stochastic flow of micrometeorites” is considered new matter because the specification does not disclose the limitation of orbiting earth on orbit of stochastic flow of micrometeorites. The examiner request applicant to point out the claimed limitation regarding the stochastic flow of micrometeorites.

10. The specification does not disclose according to claim 31, the limitation regarding of, “physically separated plane gaming fields provided with numeral identification markers and sensors of collisions with micrometeorites as well of an onboard clock registering time of sensor operation affected by collision” is considered new matter because the specification does not disclose the user of the onboard clock registering time of sensor operation affected by collision. The examiner request applicant to point out in the specification the limitation regarding the onboard clock.

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 21 and 22-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document/response and are replete with grammatical and idiomatic errors.

Regarding claim 21, the limitation of, “making active sensors and technical facilities of a device for playing a space game of chance” is considered indefinite because it is unclear as to how making active sensors and technical facilities makes up a device for playing a space game of chance.

Regarding claim 31, the preamble recites a device, however the body of the claim suggests elements and limitations toward a system and it is unclear if applicant tends to claim a device or a system.

Regarding claim 31, the limitation of a registering element of random number generator placed on board a spacecraft is considered indefinite because it is unclear what registering elements of random number generator encompasses. What is a registering element of random number generator?

Regarding claim 31, the limitation of, on orbit of stochastic flow of micrometeorites is considered indefinite because it is unclear as to what on orbit of stochastic flow of micrometeorites encompasses. What is on orbit of stochastic flow?

Regarding claim 31, the limitation of physically separated plane gaming fields provided with numeral identification markers and sensors of collisions with micrometeorites, is considered indefinite because it is unclear what sensors of collisions with micrometeorites encompasses. Are the sensors used to detect collisions or does the sensor cause the collision?

Regarding claim 31, the limitation of a transmitting element of RNG (telemetry channel) is indefinite because it is unclear as to what transmitting element of RNG (telemetry channel) encompasses. Is the transmitting element of RNG to be the telemetry channel or the transmitting element or RNG is considered to be the telemetry channel? What's the correlation between the transmitting elements of RNG to telemetry channel?

14. Claim 31 recites the limitation "the place" in last paragraph of claim 31. There is insufficient antecedent basis for this limitation in the claim.

15. The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

16. Claim 21 is rejected under 35 U.S.C. 112, 4th paragraph, as being of improper dependent form for failing to further limit the subject matter of the claim upon which it depends, or for failing to include all the limitations of the claim upon which it depends. The claims do not provide any limitations that further define the invention. Applicant may cancel the claim(s), amend the claim(s) to place the claim(s) in proper dependent form, rewrite the claim(s) in independent form, or present a sufficient showing that the dependent claim(s) complies with the statutory requirements.

Response to Arguments

17. Applicant's arguments with respect to claims 21 and 23-31 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

The applicant contends that the original description of his invention there had been described the main idea as well as all the main elements of the invention.

The examiner respectfully disagrees. As noted above and in the previous office action, the elements and/or limitations have not been pointed out in the specification as request. The new claim 31 seems to add further limitations that were not described nor disclosed in the specification as originally filed. Applicant provides further explanation or definition regarding the invention

however no support has been cited in the original specification as requested. Again the examiner request applicant to point out the limitations of the claimed elements being claimed.

Applicant submits a supplemental remarks contending that the various element of claim 31 are supported by the drawing of figure 1 that was submitted on 8 December 2011.

The examiner respectfully disagrees. The drawings that applicant relies upon do not show the elements as discussed in the previous office action. Again, as noted in the previous office action filed 8 December 2011, new claim 31 seems to add further limitation that were not described nor disclosed in the specification as originally filed. As an example, the examiner notes that the drawings filled on 8 December 2011 where not acceptable nor entered because the new figure 1 contained elements that where not supported in the specification and the original drawings as originally filled. Figure 10 was also considered new matter since there were only 2 figures as originally filed and entry regarding any new or other drawings throughout prosecution have not been entered. Applicant provides further explanation or definition regarding the invention which is helpful in understanding of the invention, however no support or evidence has been cited in the original specification as requested. Furthermore, the examiner again request applicant to point out the limitations of the claimed elements in the specification as originally filed as noted in the previous office action.

Conclusion

18. Under the final action practice for Office actions following a submission under 37 CFR 1.129(a) filed on or after June 8, 2005, the next Office action following timely filing of a submission under 37 CFR 1.129(a) will be equivalent to the next Office action following a reply to a non-final Office action. Under existing Office second action final practice, such an Office action on the merits will be made final, except where the examiner introduces a new ground of rejection that is

neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). See MPEP § 706.07(a).

In this Office action, there is no new ground of rejection that was not necessitated by applicant's amendment of the claims or based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX P. RADA whose telephone number is (571)272-4452. The examiner can normally be reached on Monday - Thursday, 09:00-6:00 EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. P. R./
Examiner, Art Unit 3716

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3716